

EXHIBIT 133

In the Matter Of:

UNITED STATES OF AMERICA v

GOOGLE, LLC

SUSAN SCHIEKOFER

September 26, 2023



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)
et al,)
)
Plaintiffs,)
) Case No.
-vs-) 1:23-cv-00108-LMB-
) JFA
GOOGLE, LLC,)
)
Defendant.)

** HIGHLY CONFIDENTIAL **

VIDEO RECORDED 30(b)(6) EXAMINATION

OF: GROUPEM

BY: SUSAN SCHIEKOFR

TAKEN ON

TUESDAY, SEPTEMBER 26, 2023

CERTIFIED STENOGRAPHER:

JESSIE WAACK, RDR, CRR, CCRR, NYRCR, NYACR,
CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958)
CCR-WA (No. 21007264), CSR-CA (No. 14420),
REALTIME SYSTEMS ADMINISTRATOR
JOB NO.: 912924

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1	INDEX TO EXHIBITS		
2	WITNESS: SUSAN SCHIEKOFR		
3	Tuesday, September 26, 2023		
4	MARKED	DESCRIPTION	PAGE
5	Exhibit 1	Fair Disclosure wire dated	
6		September 29, 2014	86
7	Exhibit 2	Email chain ending on	
8		August 1, 2018;	
9		NAVY-ADS-0000335396	133
10	Exhibit 3	Email chain ending on	
11		September 12, 2018;	
12		NAVY-ADS-0000349092	143
13	Exhibit 4	Subpart 16.5 -	
14		Indefinite-Delivery Contracts	146
15	Exhibit 5	"U.S. Media Landscape Q2 2021	
16		For Internal Use Only"; GROUPM	
17		226	150
18	Exhibit 6	"Programmatic 201";	
19		GROUPM00000350	158
20	Exhibit 7	Census award contract;	
21		CENSUS-ADS-00000273284	166
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1	INDEX TO EXHIBITS		
2	WITNESS: SUSAN SCHIEKOFR		
3	Tuesday, September 26, 2023		
4	MARKED	DESCRIPTION	PAGE
5	Exhibit 8	Email chain ending on July 6,	
6		2023; DOJ-ADS-0000096800	176
7			
8	** All exhibits were attached to the		
9	original transcript **		
10			
11		--o0o--	
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1 *****

2 PROCEEDINGS

3 September 26, 2023, 9:58 a.m.

4 New York, New York

5 *****

6 THE VIDEOGRAPHER: We are now on

7 the record, and the time is 9:58 a.m.

8 This is the video recorded

9 deposition of Susan Schiekofer in the

10 matter United States, et al., vs.

11 Google LLC.

12 Today's date is Tuesday,

13 September the 26th, 2023.

14 My name is Lem Lattimer, and the

15 court reporter is Jessica Waack. We

16 are both in association with Lexitas

17 Legal.

18 All appearances are noted on the

19 record.

20 Will the court reporter please

21 swear in the witness.

22 ///

23 ///

24 ///

25 ///

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1 *****

2 SUSAN SCHIEKOFR, sworn

3 on oath and/or affirmed, called as a

4 witness herein, was examined and testified

5 as follows:

6 *****

7 EXAMINATION

8 BY MR. VERNON:

9 Q. Good morning.

10 A. Good morning.

11 Q. So my name is Jeff Vernon. I'll

12 be taking your deposition for the United

13 States.

14 Will you start by just stating

15 and spelling your name for the record.

16 A. Susan Schiekofer. S-u-s-a-n,

17 S-c-h-i-e-k-o-f-e-r.

18 Q. Have you ever been deposed

19 before?

20 A. No.

21 Q. So let me just give you a couple

22 guidelines to help make the court reporter

23 process go smoothly.

24 So do your best to answer audibly

25 as opposed to with gestures or uh-huh or

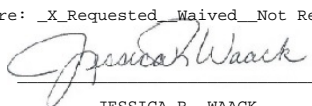
<p style="text-align: right;">Page 50</p> <p>1 MR. HUNSBERGER: Object to form.</p> <p>2 THE WITNESS: That's hard for me</p> <p>3 to answer because I would say that's on</p> <p>4 an individual client basis.</p> <p>5 BY MR. VERNON:</p> <p>6 Q. Okay. Are there some clients for</p> <p>7 which buying display ads through an</p> <p>8 exchange would be your recommended best</p> <p>9 option?</p> <p>10 MR. HUNSBERGER: Object to form.</p> <p>11 THE WITNESS: For some clients.</p> <p>12 BY MR. VERNON:</p> <p>13 Q. And then so why -- why would you</p> <p>14 recommend for some clients that buying</p> <p>15 through -- buying display through an</p> <p>16 exchange would be the best option?</p> <p>17 MR. HUNSBERGER: Object to form.</p> <p>18 THE WITNESS: It's back to being</p> <p>19 able to deliver audiences at scale, at</p> <p>20 a cheap CPM. And if we apply, which</p> <p>21 most of our clients want us to apply</p> <p>22 what we call our inclusion list, then</p> <p>23 it allows us to build a variation of</p> <p>24 that marketplace that's brand suitable</p> <p>25 for us and for our clients at a very</p>	<p style="text-align: right;">Page 52</p> <p>1 THE WITNESS: So there's scale,</p> <p>2 but not -- so are you talking about --</p> <p>3 what kind of video? Because there's,</p> <p>4 like, different -- there's like linear</p> <p>5 TV, there's CTV, there's online video,</p> <p>6 there's social video. So, like, if you</p> <p>7 could clarify.</p> <p>8 BY MR. VERNON:</p> <p>9 Q. Let's start with premium video,</p> <p>10 meaning CTV.</p> <p>11 A. Uh-huh.</p> <p>12 Q. Does CTV have the same value</p> <p>13 proposition of creating large audiences at</p> <p>14 scale for cheap CPMs that buying a display</p> <p>15 through exchanges has?</p> <p>16 MR. HUNSBERGER: Object to form.</p> <p>17 MS. KLAUSNER: Objection to the</p> <p>18 form.</p> <p>19 THE WITNESS: So CTV is really --</p> <p>20 I mean, yes, right, there's scale. Not</p> <p>21 as much scale as you can -- like,</p> <p>22 display is basically available on any</p> <p>23 website in the world, but video is not.</p> <p>24 CTV, it's just a smaller</p> <p>25 audience, right? CTV is the ads that</p>
<p style="text-align: right;">Page 51</p> <p>1 cheap CPM.</p> <p>2 And we're able to optimize. I</p> <p>3 mean, that's the other thing. If we</p> <p>4 were in platform and if we have an</p> <p>5 offer, let's say Dell computers, and we</p> <p>6 see that, you know, we're on an</p> <p>7 exchange and the exchange is bringing</p> <p>8 in leads, you know, two times better</p> <p>9 than another exchange -- usually it's</p> <p>10 not just one exchange. Usually you're</p> <p>11 buying several exchanges within</p> <p>12 platform.</p> <p>13 And if you see that one exchange</p> <p>14 is performing better in terms of</p> <p>15 generating either clicks, views, leads,</p> <p>16 sales, you're going to optimize toward</p> <p>17 that inventory.</p> <p>18 BY MR. VERNON:</p> <p>19 Q. Does buying premium video ads</p> <p>20 have the same value proposition of creating</p> <p>21 an audience at scale with cheap CPMs that</p> <p>22 buying display through an exchange has?</p> <p>23 MR. HUNSBERGER: Object to form.</p> <p>24 MS. KLAUSNER: Objection to the</p> <p>25 form.</p>	<p style="text-align: right;">Page 53</p> <p>1 come through your connected television,</p> <p>2 right? So that's just a smaller</p> <p>3 universe. There's just less places to</p> <p>4 advertise CTV.</p> <p>5 It depends on also the property.</p> <p>6 You know, some obviously have more</p> <p>7 scale than others. And the CPMs --</p> <p>8 video CPMs are higher than display</p> <p>9 CPMs.</p> <p>10 So they don't -- they don't</p> <p>11 equate CPM-wise, but the reason we do</p> <p>12 so much video is just it's an impactful</p> <p>13 ad format, you know, for brand recall,</p> <p>14 building a brand.</p> <p>15 BY MR. VERNON:</p> <p>16 Q. One of the things I think you</p> <p>17 said a minute ago was if you see one</p> <p>18 exchange perform better than another, you</p> <p>19 optimize towards the better performing</p> <p>20 exchange --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- did I get that right?</p> <p>23 A. Uh-huh.</p> <p>24 MS. KLAUSNER: Objection to the</p> <p>25 form.</p>

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<p>1 MR. HUNSBERGER: Object to form.</p> <p>2 BY MR. VERNON:</p> <p>3 Q. What do you mean by that?</p> <p>4 A. Within a DSP, you have the</p> <p>5 ability to buy lots and lots of exchanges.</p> <p>6 So an exchange could be -- it could be AdX.</p> <p>7 It could be Magnite. It could be PubMatic.</p> <p>8 It could be Yieldmo. And there's, like a</p> <p>9 -- OpenX. There's like spot -- like</p> <p>10 there's just a ton of exchanges. There's a</p> <p>11 lot of people who have built exchanges.</p> <p>12 What we do and what my team at</p> <p>13 the center does is to evaluate. Like, it</p> <p>14 -- because we don't want to just buy the</p> <p>15 same exchanges over and over against the</p> <p>16 same audiences, because then you're just</p> <p>17 gonna bombard the consumer with ads, like</p> <p>18 the same ads, and that's usually a</p> <p>19 negative. So you want to make sure that</p> <p>20 it's controlled.</p> <p>21 So what our team does is to take</p> <p>22 a look at inventory, is it unique, is it</p> <p>23 quality, is it differentiating from another</p> <p>24 exchange.</p> <p>25 So we tend to have, you know, a</p>	<p>1 work with that, like, they have a unique</p> <p>2 data set around health, health sites.</p> <p>3 So if we want -- if we're</p> <p>4 introducing, you know, a new healthcare</p> <p>5 product, they would be a good one.</p> <p>6 So, like, that goes into the mix</p> <p>7 too. Like, some exchanges are better at</p> <p>8 video, some are better at display. You</p> <p>9 know, so that will weigh into what we</p> <p>10 consider preferred, but it's up to the</p> <p>11 individual trader in platform to activate</p> <p>12 and to look at the results.</p> <p>13 Again, back to, like, is it</p> <p>14 delivering, whatever it is we want, whether</p> <p>15 it's a good cost per click, cost per view,</p> <p>16 lead sale. That's really individual and</p> <p>17 customized based on the performance of a</p> <p>18 particular campaign.</p> <p>19 Q. Can GroupM buyers use exchanges</p> <p>20 outside of the preferred exchange list?</p> <p>21 A. They can. We don't want them to.</p> <p>22 And, you know, we try -- again, I have a</p> <p>23 small team at the center. So we're</p> <p>24 influencing lots and lots of people.</p> <p>25 You could have somebody brand new</p>
Page 55	Page 57
<p>1 small group of exchanges that we consider</p> <p>2 preferred. But I would say preferred is a</p> <p>3 loose term with exchanges because there's</p> <p>4 so much in them.</p> <p>5 They're not going to be as</p> <p>6 preferred and, say, like an NBC, but</p> <p>7 they're -- like, a preferred exchange,</p> <p>8 because we know -- they do a good job of,</p> <p>9 you know, vetting who's in the exchange,</p> <p>10 working with us in terms of applying our</p> <p>11 inclusion and exclusion lists.</p> <p>12 And, like, they're just companies</p> <p>13 that are developing tech and audiences, and</p> <p>14 they do a better job than others.</p> <p>15 Q. What are the preferred exchanges,</p> <p>16 at least that you remember?</p> <p>17 A. For us, we tend to work with ones</p> <p>18 that I mentioned: AdX, PubMatic, Magnite,</p> <p>19 Yieldmo, some smaller ones like AdTheorent.</p> <p>20 It's like --</p> <p>21 Q. Can you spell that last one?</p> <p>22 A. AdTheorent? A-d-T-h-e-o-r-a-n-t</p> <p>23 [as spoken]. Like -- and I'll use -- and</p> <p>24 they're not preferred, preferred, but</p> <p>25 they're a company that some of our clients</p>	<p>1 start who maybe their manager didn't say,</p> <p>2 you're not supposed to use any more than</p> <p>3 these four exchanges, and maybe they go to</p> <p>4 a fifth that we don't want to use but we</p> <p>5 track it. We see it that they're using it</p> <p>6 and we tell them that's not our preferred.</p> <p>7 On the other hand, maybe it</p> <p>8 performed really well and we'll take</p> <p>9 another look at it -- right? -- like, we're</p> <p>10 not draconian about it, but what we try to</p> <p>11 do is provide guidance.</p> <p>12 Q. Does your team try to encourage</p> <p>13 buyers within GroupM to use the preferred</p> <p>14 exchanges?</p> <p>15 A. Yes.</p> <p>16 MR. HUNSBERGER: Object to form.</p> <p>17 THE WITNESS: I'm sorry. Yes.</p> <p>18 BY MR. VERNON:</p> <p>19 Q. When your team encourages buyers</p> <p>20 within GroupM to use the preferred</p> <p>21 exchanges, do GroupM's buyers then use</p> <p>22 those exchanges more frequently instead of</p> <p>23 other exchanges?</p> <p>24 MR. HUNSBERGER: Object to form.</p> <p>25 THE WITNESS: Yeah.</p>

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1 this deposition today. We have no
2 further questions, so we just wanted to
3 say thank you, we appreciate it.
4 THE WITNESS: You're welcome.
5 MS. KLAUSNER: Great.
6 MR. HUNSBERGER: Thank you to the
7 witness and counsel.
8 MS. KLAUSNER: Thank you.
9 THE VIDEOGRAPHER: The time is
10 3:05 p.m.
11 We're off the record.
12 (Time noted: 3:05 p.m.)
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1 REPORTER CERTIFICATE
2 I, the undersigned, do hereby certify:
3 That SUSAN SCHIEKOFER was by me duly
4 sworn in the within-entitled cause; that
5 said deposition was taken at the time and
6 place herein named; and that the deposition
7 is a true record of the witness's testimony
8 as reported by me, a disinterested person,
9 and thereafter a total of 186 was
10 transcribed.
11 I further certify that I am not
12 interested in the outcome of the said
13 action, nor connected with, nor related to
14 any of the parties in said action, nor to
15 their respective counsel.
16 IN WITNESS WHEREOF, I have hereunto set
17 my hand this 26th day of September, 2023.
18 Signature: XRequested Waived Not Requested
19 
20 JESSICA R. WAACK
21 Registered Diplomat Reporter
22 Certified Realtime Reporter
23 California Certified Realtime Reporter
24 New York Realtime Court Reporter
25 New York Association Court Reporter
Notary Public, State of New York
CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958)
CCR-WA (No. 21007264), CSR-CA (No. 14420)

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1 INSTRUCTIONS TO WITNESS
2
3 Please read your deposition over
4 carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.
8 After doing so, please sign the
9 errata sheet and date it.
10 You are signing same subject to
11 the changes you have noted on the errata
12 sheet, which will be attached to your
13 deposition.
14 It is imperative that you return
15 the original errata sheet to the deposing
16 attorney within thirty (30) days of
17 receipt of the deposition transcript by
18 you. If you fail to do so, the deposition
19 transcript may be deemed to be accurate
20 and may be used in court.
21
22
23
24
25

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1 DECLARATION UNDER PENALTY OF PERJURY
2 USA VS. GOOGLE
3 Date of Deposition: September 26, 2023
4
5
6 I, SUSAN SCHIEKOFER, hereby
7 certify under penalty of perjury under the
8 laws of the State of _____ that
9 the foregoing is true and correct.
10
11 Executed this ____ day of _____, 2023,
12 at _____.
13
14
15 _____
16 SUSAN SCHIEKOFER
17
18 SUBSCRIBED AND SWORN BEFORE ME
19 THIS ____ DAY OF _____, 20
20 _____
21 NOTARY PUBLIC
22 MY COMMISSION EXPIRES: _____
23
24
25